



WISCONSIN REGULATORY DIGEST

A Publication of the
DEPARTMENT OF REGULATION AND LICENSING FOR
PRIVATE DETECTIVES, SECURITY GUARDS AND PRIVATE DETECTIVE AGENCIES
Volume 9, No. 1 **March, 1997**

Licensing Statistics

The following statistics were valid as of March 14, 1997:

Private Detectives - 930
Private Detective Agencies - 596

Proposed Renewal Fee Changes In Biennial Budget Bill

If the Wisconsin Legislature agrees with Governor Tommy Thompson's proposal, your license renewal fees during the next biennium would change as follows:

Private detectives:
renewal license - from \$212 to \$177

Private detective agencies:
renewal license - from \$41 to \$40

Private security persons:
renewal permit - from \$41 to \$40

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Effective July 1, 1997, all applicants must also pay the department for the cost of criminal records searches. Costs: \$29 for an original license or permit; \$5 for a renewal.

New Law

Effective on July 1, 1997, the new and revised provisions in 1995 Wisconsin Act 461 will become law. These were summarized in the last issue of the Regulatory Digest. In a nutshell, what the changes mean for private detective agencies is that they will need a \$100,000 surety bond or liability policy after June 30, 1997. After that date, any policy you send us must have the new amount of coverage or it will be returned to you as unsatisfactory. The biggest change for private detectives is that you must notify the department of a violation of any state or local law which is punishable by a forfeiture within 48 hours of the judgment or finding of conviction. If you are convicted of a felony after June 30, 1997, your license will be revoked, until you receive a pardon for the conviction. An applicant for an original private detective license or a permit as a private security person who was convicted of a felony will not be able to obtain a license or permit, unless pardoned.

The new law has many provisions which affect private security personnel. The Department will issue a statewide permit to qualified persons. The authority of local law enforcement agencies to grant permits will terminate on June 30, 1997.

A copy of the new law has been inserted in the Private Detective Study Guide and is available to others who submit a request and a self-addressed envelope with first class postage.

Procedures For Issuance of Guard Permits

The new law uses 2 words or phrases to refer to what the industry generally calls security guards: “private security personnel” and “private security person.” Individuals who hold a valid permit from a law enforcement agency as of June 30, 1997, will be automatically granted a permit by the Department. They will have to submit an application before July 1, 1997, but will not be required to pay a fee. Other applicants will be required to submit an application, a \$39 permit fee, a \$29 fee for a criminal records check, fingerprint cards, a photograph, identifying information and the signature of their private detective agency-employer. If the fees increase, applicants will be required to pay the new fees when they become effective. The Department may give temporary security permits for 30 days while the department is obtaining information about criminal convictions. Temporary permits may not be extended or renewed.

The Department will mail a copy of the new law and at least one copy of an application for a private security permit to all private detective agencies no later than May 1, 1997. Agencies will be invited to request more application forms or to reproduce the forms to meet their needs. Agencies will receive more information in a letter when the forms are mailed to them.

Loaded Firearm in a Vehicle

The last issue of the Regulatory Digest contained the proposed rule. However, the rulemaking process resulted in some changes. The final version of the rule is on the last page of this newsletter. Please note two things: 1) Only persons on duty as a security guard and in uniform may carry a loaded firearm in a vehicle, under all of the conditions stated in the rule; 2) The rule should have clearly stated “loaded” firearm. That’s what was intended. “Loaded” will be added to the rule as soon as possible.

Administrative Rule Proposal

The Department is working on an administrative rule proposal which addresses some problem areas and other changes needed to comply with the new law. Perhaps some day another proposal will be needed to address other issues raised by the Private Detective Advisory Committee or the Security Guard Advisory Committee after they resume their meetings. The most substantive issues addressed by the rule proposal are listed below. If you would like a complete copy of the proposal, send your request with a self-addressed envelope with first-class postage. A hearing has been scheduled for May 23, 1997, at 10:00 a.m. in Room 179A, 1400 East Washington Avenue, Madison. If you would like to comment on the proposed items listed below or in the draft proposal, please attend the hearing or send written comments as soon as possible.

This rule proposal contains many amendments which relate to the titles of the chapters of the current rules, the statutory authority for each chapter, and the form, style, placement, clarity, grammar, punctuation, and plain language of the current rules.

The following paragraphs have been taken from the ANALYSIS section of the rule proposal. They describe changes of a more substantive nature:

SECTIONS 9 to 19 amend, repeal and recreate certain provisions relating to the requirements, qualifications and procedures for licensing private detective agencies and private detectives. Some of these sections include provisions relating to the new authority and responsibility given to the department by 1995 Wisconsin Act 461, relating to the granting of permits to private security persons.

SECTIONS 9-19 establish separate subsections for each type of credential and each subsection contains the requirements, qualifications and procedures which apply to that credential. The only substantive changes that apply to private detectives and private detective agencies are those required by 1995 Wisconsin Act 461, such as the prohibition against licensing a person

who has been convicted of a felony unless pardoned, the requirement that applicants pay the department for the cost of record searches, elimination of the requirement that applications be notarized, elimination of the requirement for an applicant to provide his or her employment record for the 10 years immediately preceding the date of application, elimination of a requirement that fingerprints on fingerprint cards be taken by a law enforcement officer and creation of a requirement that the department provide reasonable accommodations to applicants with disabilities who are otherwise qualified. The provisions relating to private security permits track the requirements in 1995 Wisconsin Act 461.

SECTIONS 21 to 24 make changes relating to the administration, the contents and the review procedures for the private detective licensing examination. Section RL 31.04 (2), relating to admission cards is repealed, because no admission cards are needed for a person to schedule himself or herself to take the examination by computer. The other provisions are modified to make them consistent with similar provisions in other rules of the department and boards in the department.

SECTION 25 eliminates the requirement that a private detective agency must obtain a separate license if it operates an office, branch, department or division under a name which is different from that of the principal office. The proposed rule simply requires the agency to inform the department of a new or additional name under which it will operate before the agency begins operating under that name.

SECTION 29 distinguishes between the requirements for a private detective and a private security person to notify the department about a transfer or termination of employment by a private detective agency. The new provisions pertaining to private security persons track the requirements in 1995 Wisconsin Act 461.

SECTIONS 20 and 36 clarify a policy, which is not very clearly stated in the current rules, that a private detective agency that permits an owner

or employee to carry a firearm while on duty must obtain a comprehensive general liability policy with certain specific coverages.

SECTION 33 moves requirements for written contracts between private detective agencies and their clients from Chapter RL 35, relating to grounds for discipline, to Chapter RL 33, relating to practice requirements. This section also creates the following 3 exceptions to the general requirement: 1) in an emergency situation; 2) when providing services to an attorney; 3) when providing services to another licensed private detective agency. Chapter RL 35 would still contain a statement that it is unprofessional conduct to violate the requirements for a written contract stated in Chapter 33.

SECTION 35 permits a private detective agency to assign armed security personnel when the client and the agency agree in writing to do so, rather than, as in the current rule, when the client of the agency requests such assignments.

SECTION 37 clarifies a recent rule change by stating the conditions for carrying a loaded firearm in a vehicle. The current rule implies "loaded," but does not say "loaded."

SECTION 38 permits firearms proficiency certifiers to satisfy the annual 6-hour retraining requirement by conducting the 6-hour refresher course or the 36-hour course. They would not be required to take the 6-hour refresher course presented by another firearms proficiency certifier.

SECTION 41 is more specific than the current rules about what type of dangerous weapon, other than a firearm, a private security person may carry, provided that the person has proper training. The proposed rule lists a night stick and pepper spray.

SECTION 44 uses "credential" or "credential holder" in many of the provisions in that chapter, so that they apply to private detective agencies, private detectives and private security persons. The provision relating to a credential holder being convicted of a crime is modified to conform with 1995 Wisconsin Act 461.

REGULATORY DIGEST

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LOADED FIREARM RULE

RL 34.011 Conditions relating to transporting a firearm in a vehicle. No owner or employe of an agency may transport a firearm in a vehicle, unless all of the following apply:

(1) The firearm is in plain view. In this section "in plain view" means it is visible from ordinary observation to a person outside the vehicle.

NOTE: A firearm located in a glove compartment, in a briefcase, under a seat of a vehicle, or covered by the clothing of an occupant, is not "in plain view."

(2) If the firearm is a handgun, the owner or employe transports the firearm in a holster which is in plain view.

(3) If the firearm is other than a handgun, the owner or employe transports the firearm in a device inside the vehicle which locks the firearm in position and prevents an unauthorized person from removing the firearm from the locking device and which is in plain view.

(4) The owner or employe complies with the requirements in s. RL 34.01.

DISCIPLINARY ACTIONS TAKEN

MARK A. ROWLAND (GREEN BAY WI)

SUSPENDED 60 DAYS

Convicted of operating under the influence, a misdemeanor; convicted of disorderly conduct, a misdemeanor; and convicted of possession of THC, an unclassified forfeiture. Also ordered that Rowland may not apply for a firearms certificate of proficiency, nor carry a firearm while on duty for one year from the date of the order. Also ordered Rowland to file quarterly reports, to pay the partial costs of this matter (\$400) and to comply with other requirements. Effective 12/12/96.

HAMIN MUHAMMED (RACINE WI)

SUSPENDED 30 DAYS

Failed to send to the Department within 30 days after a judgment of conviction a copy of the complaint or other information which describes the nature of the crime and judgment of conviction. Also ordered to pay partial costs of this matter in the amount of \$300 within 30 days of the effective date of the order. Also ordered that Muhammed 's right to request renewal of his firearms certificate of proficiency be suspended for 6 months. Effective: 1/2/97.

